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PATENT
Customer No. 22,852
Attorney Docket No. 2356.0073-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Sebastian SUERBAUM et al.) Group Art Unit: 1647
)
Application No.: 09/015,078) Examiner: S. TURNER
U.S. Patent No. 6,838,273)
)
Filed: January 29, 1998)
CPA Filed: July 27, 2001)
)
For: CLONING AND)
CHARACTERIZATION OF THE)
flba GENE OF *H. PYLORI*,)
PRODUCTION OF AFLAGELLATE)
STRAINS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT

As required by 65 FED. REG. 56387 (September 18, 2000), Applicants notify the Patent and Trademark Office (PTO) of an error in the patent term adjustment. Applicants confirm receipt of the Issue Notification dated December 16, 2004.

The Notice indicates that the PTO has determined that the patent term adjustment period for this application is 184 days. Applicants respectfully request that the PTO identify how it arrived at this adjustment period. Based on Applicants' calculation, the correct patent term adjustment period is 13 days, given that the patent issued on January 4, 2005.

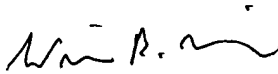
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Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 4, 2005

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